

Notice of Allowability

Application No.

09/662,492

Examiner

Matthew S. Gart

Applicant(s)

KELLY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Remarks 2/20/2007 and Ex. Amend 4/3/2007.
2. ☒ The allowed claim(s) is/are 1-3, 6-12 and 34-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 4/3/2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rebecca Goldman Rudich (Ph. 202-496-7500) on April 3rd, 2007.

The application has been amended as follows:

In the Title

The title has been changed to read as follows:

--System and method of providing agricultural pesticide information--

In the Claims

13. (Cancelled)

15-20. (Cancelled)

35. (New) A system for providing agricultural pesticide information, the system comprising:

a. memory for storing:

1. a plant database;
2. a pest database;
3. a pesticide database;
4. a location database;

b. a processor; and

c. computer readable code stored in memory and executable by the

processor to cause the processor to generate instructions regarding which pesticides in the pesticide database are registered for use in a location within the location database and can be used to protect a plant in the plant database from a pest in the pest database, wherein the pesticide database contains information on restrictions on the pesticides.

36. (New) The system of claim 35, wherein the memory further stores a database of licensed applications for the restricted pesticides.

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37. (New) The system of claim 35, wherein the memory further stores a database of licensed dealers who may sell the restricted pesticides.

38. (New) The system of claim 35, wherein the memory further stores a farm planning guide database.

39. (New) The system of claim 38, wherein the farm planning guide database includes a seed database.

40. (New) The system of claim 38, wherein the farm planning guide database includes a fertilizer database.

Reasons For Allowance

The following is an examiner's statement of reasons for allowance:

Referring to independent claims 1 and 34.

Claims 1 and 34 disclose a method of providing agricultural pesticides, comprising, *inter alia*, obtaining the pesticide by sale on-line, wherein the algorithm initiates an analysis of restrictions on the sale of the pesticide.

Cppress.com merely discloses an electronic pesticide reference guide for turf and ornamental plant protection products that brings together product information within interactive indexes. The interactive indexes in Cppress.com were available electronically, however the indexes only provides a user with stored documents at the conclusion of a database search (Cppress.com: page 5). Cppress.com falls well short of disclosing a method, wherein the algorithm initiates an analysis of restrictions on the sale of the pesticide. Nowhere does Cppress.com disclose, expressly or inherently, a method, wherein the algorithm initiates an analysis of restrictions on the sale of the pesticide in a manner akin to that recited by the instant claims.

Furthermore, it is observed that none of the references of record, either alone or in combination with any other reference of record cures the deficiencies found in Cppress.com.

Referring to independent claim 35.

Claim 35 discloses a system for providing agricultural pesticide information, comprising, *inter alia*, computer readable code stored in memory and executable by the processor to cause the processor to generate instructions regarding which pesticides in the pesticide database are registered for use in a location within the location database and can be used to protect a plant in the plant database from a pest in the pest database, wherein the pesticide database contains information on restrictions on the pesticides.

Cppress.com merely discloses an electronic pesticide reference guide for turf and ornamental plant protection products that brings together product information within interactive indexes. The interactive indexes in Cppress.com were available electronically, however the indexes only provides a user with stored documents at the conclusion of a database search (Cppress.com: page 5). Cppress.com falls well short of disclosing the generation of instructions based upon specific combinations of plants, pests, pesticides and locations. As supported by the specification of the instant invention, generating instructions is accomplished via a flexible and adaptable computer-executed algorithm (page 13, paragraph 2). Nowhere does Cppress.com disclose, expressly or inherently, the generation of instructions (e.g., utilizing a computer-generated algorithm) in a manner akin to that recited by the instant claim.

Furthermore, it is observed that none of the references of record, either alone or in combination with any other reference of record cures the deficiencies found in Cppress.com.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

EXAMINER COMMENTS

Figures 3-5 contain improper shading and hand written text, which may affect clarity once reproduced. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kelly, U.S. Patent No. 7,162,438, January 9, 2007, discloses a method of providing gardening/agricultural information.

Kelly, U.S. Patent No. 7,167,834, January 23, 2007, discloses a garden and agricultural material identification method and apparatus.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG
Primary Examiner
April 3, 2007



MATTHEW S. GART
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